

AFFIDAVIT

SAMUEL VOLPENDESTO, being first duly sworn under oath, deposes and states as follows:

1.

My name is Samuel Volpendesto. I am a defendant in United States v. Volpendesto. No. 08 CR 115, presently pending before the Honorable Ronald A. Guzman in the Northern District of Illinois.

2.

I was indicted on February 7, 2008. The indictment was unsealed on July 30, 2008 at which time I was arrested. Attorney Edmund P. Wanderling has filed an appearance as counsel on my behalf.

3.

It is my desire to have attorney Edmund P. Wanderling represent me in this cause. I understand that the government alleges that Mr. Wanderling has a conflict of interest regarding others who may be defendants or witnesses in this case. Mr. Wanderling met with me and reviewed the motion filed by the government and the allegations made therein.

4.

I fully understand that under the Sixth Amendment to the United States Constitution, I have a right to effective assistance of counsel. I also understand that the right to effective assistance of counsel includes the right to be represented by attorneys who are free from any conflicts of interest.

5.

I understand that Mr. Wanderling's representation of others and myself may create a potential conflict of interest. Mr. Wanderling could not use or disclose any confidential

attorney-client communications he learned through his representation of these other parties. Nor could Mr. Wanderling use or disclose any confidential attorney-client communications he learned from me in his representation of such others.

6.

I do not object to Mr. Wanderling having represented both myself and these others alleged by the government if in fact such is true.

7.

I hereby knowingly and voluntarily waive any right to bring any claim or seek any relief based on an alleged conflict of interest during proceedings on my criminal case in the United States District Court.

8.

In the event I am convicted, I understand that I would have the right to appeal my conviction and sentence. In the event I am convicted and pursue an appeal, I hereby knowingly and voluntarily waive my right to bring any claim or seek any relief based on an alleged conflict of interest.

9.

I further acknowledge and voluntarily waive my right to bring any claim or seek any relief based on an alleged conflict of interest in any post conviction proceedings such as a petition under 28 U.S.C. § 2255 or any appeal therefrom.

10.

Finally, Mr. Wanderling has advised me that the government inquired if I would like to cooperate in their investigations and if I do so that my cooperation could possibly benefit me.

11.

That Mr. Wanderling has advised me to have another attorney review the government's motion and allegations made therein as well as all of my options in this case. As I am in custody, my wife is attempting to have such done for me.

12.

That Alexander Salerno initially represented me when the government came to my house in that he sent a letter to the government on my behalf. I understand he represents Mark Polchan and I do not object to such.

FURTHER THE AFFIANT SAYETH NAUGHT.

A handwritten signature in dark ink, appearing to read "Zena N. [unclear]", is written over a horizontal line.

Subscribed and Sworn to  
before me this   1   day  
of September, 2008.

NOTARY PUBLIC

"OFFICIAL SEAL"

Sharron D. Skelty

Notary Public, State of Illinois My  
Commission Exp. 07/24/2010

AFFIDAVIT

SAMUEL VOLPENDESTO, being first duly sworn under oath, deposes and states as follows:

1.

My name is Samuel Volpendesto. I am a defendant in United States v. Volpendesto. No. 08 CR 115, presently pending before the Honorable Ronald A. Guzman in the Northern District of Illinois.

2.

I was indicted on February 7, 2008. The indictment was unsealed on July 30, 2008 at which time I was arrested. Attorney Edmund P. Wanderling has filed an appearance as counsel on my behalf.

3.

It is my desire to have attorney Edmund P. Wanderling represent me in this cause. I understand that the government alleges that Mr. Wanderling has a conflict of interest regarding others who may be defendants or witnesses in this case. Mr. Wanderling met with me and reviewed the motion filed by the government and the allegations made therein.

4.

I fully understand that under the Sixth Amendment to the United States Constitution, I have a right to effective assistance of counsel. I also understand that the right to effective assistance of counsel includes the right to be represented by attorneys who are free from any conflicts of interest.

5.

I understand that Mr. Wanderling's representation of others and myself may create a potential conflict of interest. Mr. Wanderling could not use or disclose any confidential

attorney-client communications he learned through his representation of these other parties. Nor could Mr. Wanderling use or disclose any confidential attorney-client communications he learned from me in his representation of such others.

6.

I do not object to Mr. Wanderling having represented both myself and these others alleged by the government if in fact such is true.

7.

I hereby knowingly and voluntarily waive any right to bring any claim or seek any relief based on an alleged conflict of interest during proceedings on my criminal case in the United States District Court.

8.

In the event I am convicted, I understand that I would have the right to appeal my conviction and sentence. In the event I am convicted and pursue an appeal, I hereby knowingly and voluntarily waive my right to bring any claim or seek any relief based on an alleged conflict of interest.

9.

I further acknowledge and voluntarily waive my right to bring any claim or seek any relief based on an alleged conflict of interest in any post conviction proceedings such as a petition under 28 U.S.C. § 2255 or any appeal therefrom.

10.

Finally, Mr. Wanderling has advised me that the government inquired if I would like to cooperate in their investigations and if I do so that my cooperation could possibly benefit me.

11.

That Mr. Wanderling has advised me to have another attorney review the government's motion and allegations made therein as well as all of my options in this case. As I am in custody, my wife is attempting to have such done for me.



12.

That Alexander Salerno initially represented me when the government came to my house in that he sent a letter to the government on my behalf. I understand he represents Mark Polchan and I do not object to such.

FURTHER THE AFFIANT SAYETH NAUGHT.

A handwritten signature in dark ink, appearing to read "Zena N. [unclear]", is written over a horizontal line.

Subscribed and Sworn to  
before me this   1   day  
of September, 2008.

NOTARY PUBLIC

"OFFICIAL SEAL"

Sharron D. Skelty

Notary Public, State of Illinois My  
Commission Exp. 07/24/2010